

BILLY J. WILLIAMS  
United States Attorney  
District of Oregon

JEAN E. WILLIAMS  
Deputy Assistant Attorney General  
Environment and Natural Resources Division

JOHN P. TUSTIN (TX Bar No. 24056453)  
Senior Attorney  
EMMA HAMILTON (CA Bar No. 325360)  
Trial Attorney  
Natural Resources Section  
P.O. Box 7611  
Washington, D.C. 20044-7611  
Phone: (202) 305-3022 (Tustin)  
(202) 305-0479 (Hamilton)  
Fax: (202) 305-0506  
john.tustin@usdoj.gov  
emma.hamilton@usdoj.gov

*Attorneys for Federal Defendant*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
MEDFORD DIVISION**

KLAMATH-SISKIYOU WILDLANDS	)	Case No. 1:19-CV-01810-CL
CENTER, OREGON WILD, <i>et al.</i>	)	
Plaintiffs,	)	
	)	JOINT STATUS REPORT AND
v.	)	PROPOSED SCHEDULE
	)	
UNITED STATES BUREAU OF	)	
LAND MANAGEMENT	)	
Federal Defendant,	)	
	)	
and	)	
	)	
MURPHY COMPANY	)	
Intervenor-Defendant.	)	
	)	

---

Plaintiffs allege Federal Defendant Bureau of Land Management violated the National Environmental Policy Act and Administrative Procedure Act when it approved the North Landscape Project, a timber harvest project in southern Oregon. *See* Compl., ECF No. 1. The Murphy Company intervened as a defendant. Order, ECF No. 12. Federal Defendant released the final revised Environmental Assessment and Finding of No Significant Impact for the North Landscape Project on July 13, 2020.

In accordance with this Court's January 2 and June 1, 2020 Orders (ECF Nos. 19, 22), and Rule 16(b) of the Federal Rules of Civil Procedure, the Parties have conferred about the litigation and submit the following proposed scheduling order. The Parties agree that under the Administrative Procedure Act, this case will be properly resolved based on an Administrative Record for the challenged agency action, and that neither discovery nor trial are appropriate in the case at bar.

The Parties agree to the following deadlines:

**A. Pleadings and Administrative Record**

1. The parties will amend the pleadings or add parties by **August 5, 2020**.
2. Given that this action is brought under the Administrative Procedure Act, Federal Defendant respectfully requests that it may forgo filing an answer to Plaintiffs' Amended Complaint. Plaintiffs object to and oppose the Government's request to forgo filing an Answer. Intervenor-Defendant does not object to or oppose this request.
3. Federal Defendant will lodge the Administrative Record with the Court by **September 9, 2020**. Federal Defendant hereby seeks leave to provide the Administrative Record on electronic media (e.g., thumb drive), rather than filing it on CM-ECF.

4. Plaintiffs and Intervenor-Defendant will inform Federal Defendant, informally and in writing, of any objections to the Administrative Record by **September 30, 2020**. The Parties agree to confer and attempt to resolve the issues without judicial intervention.

5. Any motion to complete, supplement, or otherwise challenge the sufficiency of the Administrative Record is due by **October 14, 2020**. Plaintiffs and Intervenor-Defendant may file any such motions based only on the issues raised informally with Federal Defendant. Federal Defendant reserves the right to object to, or move to strike, any extra-record evidence submitted by either Plaintiffs or Intervenor-Defendant. The filing of a motion to complete, supplement, or otherwise challenge the sufficiency of the Administrative Record will not suspend the summary judgment briefing set forth below.

**B. Summary Judgment**

The parties agree to the following proposed schedule for briefing on cross-motions for summary judgment. They believe this round of motions will resolve all claims in this action. In addition to the proposed schedule, however, all parties reserve the right to file additional motions not contemplated by this schedule and in accordance with the Local Rules of this Court.

1. Plaintiffs' opening summary judgment brief shall be due by **November 4, 2020**.
2. Federal Defendant's combined cross-motion and response brief shall be due by **December 16, 2020**.
3. Intervenor-Defendant's combined cross-motion and response brief shall be due by **December 16, 2020**.
4. Plaintiffs' combined response and reply brief shall be due by **January 13, 2021**.
5. Federal Defendant's reply shall be due by **February 10, 2021**.
6. Intervenor-Defendant's reply shall be due by **February 10, 2021**.

7. If the Court rules in Plaintiffs' favor on one or more of Plaintiffs' claims on summary judgment, the Parties will confer and propose a briefing schedule for remedy within 14 days of the Court's ruling.

A proposed scheduling order is attached to this joint status report and proposed schedule and will be emailed to Chambers.

Respectfully submitted on this 27th day of July, 2020.

*for Plaintiffs*

/s/ Susan Jane Brown (with permission)  
SUSAN JANE BROWN (OSB #054607)  
Western Environmental Law Center  
4107 NE Couch St.  
Portland, OR 97232  
(503) 914-1323  
brown@westernlaw.org

*for Federal Defendant*

BILLY J. WILLIAMS  
United States Attorney  
District of Oregon

JEAN E. WILLIAMS  
Deputy Assistant Attorney General  
Environment and Natural Resources Division

JOHN P. TUSTIN (TX Bar No. 24056453)  
Senior Attorney

/s/ Emma L. Hamilton  
EMMA HAMILTON (CA Bar No. 325360)  
Trial Attorney  
Natural Resources Section  
P.O. Box 7611  
Washington, D.C. 20044-7611  
Phone: (202) 305-3022 (Tustin)  
(202) 305-0479 (Hamilton)  
Fax: (202) 305-0506  
john.tustin@usdoj.gov  
emma.hamilton@usdoj.gov

*for Intervenor-Defendant*

/s/ Julie A. Weis (with permission)  
JULIE A. WEIS, OSB No. 974320  
weis@hk-law.com

Haglund Kelley LLP  
200 SW Market St., Suite 1777  
Portland, Oregon 97201  
Phone: (503) 225-0777  
Fax: (503) 225-1257